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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE LITHIUM ION BATTERIES
ANTITRUST LITIGATION

Case No. 13-MD-02420 YGR (DMR)

MDL No. 2420

This Documents Relates to:

THIRD REPORT ON CLAIMS STATUS
AND REQUEST FOR EXTENSION OF
CLAIMS DEADLINE

ALL INDIRECT PURCHASER ACTIONS

DATE ACTION FILED: Oct. 3, 2012

1 Plaintiffs hereby submit this third status report per the Court's Order Extending Claims
2 Deadline, issued November 21, 2017 (ECF No. 2042).

3 STATUS REPORT RE CLAIMS

4 On November 21, 2017, this Court extended the claims deadline to January 19, 2018 for the
5 indirect purchaser plaintiffs' (IPPs) settlements with the Hitachi Maxell, NEC Corporation, LG
6 Chem, and Sony defendants. On January 12, 2018, this Court extended the claims deadline to July
7 19, 2018 for the same group of settlements (ECF No. 2138).

8 As of the date of the last report (November 14, 2017), 832,980 claimants had submitted
9 claims against the settlements with the Hitachi Maxell, NEC Corporation, LG Chem, and Sony
10 defendants. Those claims were comprised of 2,571,231 PC/laptops, 4,948,294 mobile devices,
11 549,572 camcorders, and 1,919,273 cordless power tools. At that time, IPPs estimated that the per-
12 device value of each claim for the Sony settlement was approximately \$1.95; the per device value
13 of each claim for the Hitachi Maxell, NEC Corporation, and LG Chem settlements was estimated
14 at \$8.91. IPPs estimated that an additional 17,000 claims would be filed by November 29, 2017,
15 bringing the total number of claims filed to approximately 855,000 by November 29, 2017.

16 As of January 3, 2018, approximately 870,960 claimants had submitted claims against the
17 settlements with the Hitachi Maxell, NEC Corporation, LG Chem, and Sony defendants. These
18 claims were comprised of approximately 4,804,286 PC/laptops, 6,065,643 mobile devices, 671,255
19 camcorders, and 2,100,281 cordless power tools. At that time, IPPs estimated that the per-device
20 value of each claim for the Sony settlement was \$1.43; the estimated per-device claim for the
21 Hitachi Maxell, NEC Corporation, and LG Chem settlements were approximately \$5.93.

22 As of July 3, 2018, approximately 921,821 claimants have submitted claims against the
23 settlements with Hitachi Maxell, NEC Corporation, LG Chem, and Sony defendants. These claims
24 are comprised of approximately 12,058,074 PC/laptops, 9,006,585 mobile devices, 1,483,419
25 camcorders, and 3,213,756 cordless power tools. Currently, the estimated per-device claim against
26 the Sony settlement is \$0.51; the estimated per-device claim for the Hitachi Maxell, NEC
27 Corporation, and LG Chem settlements are approximately \$1.79. IPPs note that these are estimates
28

1 – there is still an auditing process underway to exclude any fraudulent claims.

2 **STATUS REPORT RE OBJECTORS AND APPEALS**

3 The appeal of the Court's final approval order on the settlement with the Sony defendants
4 remains pending. Although all briefs have been submitted, no date for oral argument has been
5 scheduled.

6 Two objectors filed appeals with the Court of Appeals for the Ninth Circuit against the final
7 approval order of the IPP settlements with the Hitachi Maxell, NEC Corporation, and LG Chem
8 defendants: one by Michael Frank Bednarz, *Indirect Purchaser Plaintiffs v. Michael Frank*
9 *Bednarz*, No. 17-17367, and the other by Christopher Andrews, *Indirect Purchaser Plaintiffs v.*
10 *Christopher Andrews*, No. 17-17369. The briefing is complete in the Andrews appeal; IPPs'
11 response to the Bednarz brief is due July 16, 2018.

12 **REQUEST FOR AN EXTENSION OF CLAIMS DEADLINE**

13 Given the pendency of multiple appeals, IPPs request a further extension of the claims
14 deadline, which is currently set to close July 19, 2018. The distribution of the settlement corpus
15 will be impossible while the appeals remain pending. Moreover, as this Court is aware, there are
16 additional settlements with the Toshiba, NEC Tokin and SDI defendant families.

17 IPPs therefore respectfully request that the Court extend the claims period up to and
18 including January 18, 2019, with IPPs to file an updated status report on January 11, 2019. The
19 purpose of this extension request is to maximize the number of claims. If the appeals are
20 terminated prior to the period of extension, IPPs will promptly suggest a plan of distribution to the
21 Court that takes into consideration factors such as the claims rate, the cost of distribution, and the
22 need to reserve a small percentage of the fund to satisfy a renewed request for the fees and costs
23 that were previously denied without prejudice.

24 DATED: July 6, 2018

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